

**FINAL
MITIGATED NEGATIVE DECLARATION
(with edits incorporated)**

**LAGUNA POINT BOARDWALK RECONSTRUCTION PROJECT
MACKERRICHER STATE PARK**

State Clearinghouse #2005042039

May 2005

Lead Agency



**State of California
DEPARTMENT OF PARKS AND RECREATION
Santa Cruz District**

MITIGATED NEGATIVE DECLARATION

PROJECT: LAGUNA POINT BOARDWALK RECONSTRUCTION PROJECT
MACKERRICHER STATE PARK

LEAD AGENCY: California Department of Parks and Recreation (DPR)

AVAILABILITY OF DOCUMENTS:

The Initial Study for this Mitigated Negative Declaration was made available throughout the 30-day public review period at the reference desk of the Fort Bragg Branch Library. It was also available at the public information desks of DPR's Mendocino District Headquarters office, MacKerricher State Park Visitor Center, and Northern Service Center. It was also published on the DPR website. The Final Mitigated Negative Declaration and all supporting materials will be available, by request, at DPR's Northern Service Center office, One Capitol Mall, Suite 410, Sacramento.

PROJECT DESCRIPTION:

The Department of Parks and Recreation (California State Parks) proposes to remove and replace the majority of an existing pedestrian boardwalk at Laguna Point in the day use area of MacKerricher State Park near Mill Creek Road and Haul Road (Coastal Trail) in order to meet Americans with Disabilities Act (ADA) standards and prevent erosion. The project would also remove or repair boardwalk observation decks, provide ADA accessible parking, and reconstruct the entryway to the boardwalk.

FINDINGS

An Initial Study has been prepared to assess the proposed project's potential impacts on the environment and the significance of those impacts and is incorporated in the Draft MND. Based on this Initial Study, it has been determined that the proposed project would not have any significant impacts on the environment, once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- There was no potential for adverse impacts on agricultural resources, land use and planning, minerals, or population and housing associated with the proposed project.
- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: aesthetics, noise, public services, recreation, transportation/traffic, and utilities and service systems.
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impacts on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and hydrology to a less than significant level.

MITIGATION MEASURES

The following mitigation measures have been incorporated into the scope of work for the Laguna Point Boardwalk Reconstruction Project and will be fully implemented by DPR to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures will be included in contract specifications and instructions to DPR personnel involved in implementing the project.

MITIGATION MEASURE AIR-1

- All active construction areas would be watered at least twice daily during dry, dusty conditions.
- All trucks hauling soil, sand, or other loose materials on public roads would be covered or required to maintain at least two feet of freeboard.
- All equipment engines would be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
- Excavation and grading activities would be suspended when sustained winds exceed 25 mph, instantaneous gusts exceed 35 mph, or dust from construction might obscure driver visibility on public roads.

MITIGATION MEASURE BIO-1 (PURPLE MARTIN)

- A survey for nesting purple martins will be conducted within the project area every two weeks until mid-June by a DPR qualified biologist.
- If purple martins are found nesting within a designated buffer zone as determined by a qualified biologist or resource ecologist, project construction will not occur in that buffer zone during the nesting season of March through August.

MITIGATION MEASURE BIO-2 (SENSITIVE BAT SPECIES)

- A survey for suitable habitat (e.g., hollows in trees or snags) for void-roosting sensitive bat species (Townsend's big-eared and pallid bats) within 100 feet of the Laguna Point boardwalk project area will be conducted prior to project construction.
- If sensitive bat species are found within the project area, project construction will not occur during the roosting season: May 1 through August 30.

MITIGATION MEASURE BIO-3 (RAPTORS)

- A focused survey for raptor nests will be conducted by a DPR-qualified resource ecologist during the nesting season (February 1 to August 31) to identify active nests within 500 feet of the project area. The survey will be conducted no less than 14 days and no more than 30 days prior to the beginning of construction.
- If nesting raptors are found within 500 feet of the project area, no construction will occur during the active nesting season of February 1 to August 31, or until the young have fledged (as determined by a DPR-qualified resource ecologist).

MITIGATION MEASURE BIO-4 (SHORT-LEAVED EVAX, NORTH COAST PHACELIA, BLASDALE'S BENT GRASS)

- Occurrences of sensitive plant species within 25 feet of the project area will be located during the blooming period prior to project construction. The perimeter of these occurrences will be marked with flagging and construction monitors and work crews will be instructed to avoid these areas.
- Upon the conclusion of pre-construction monitoring, should impacts to any sensitive plant species be unavoidable due to constraints on the location of the boardwalk, construction in those sites (where the APE overlaps the plant population) will occur between August 1 and December 31, after seed set and before seedling germination.

- The boardwalk corridor will be shifted laterally to avoid permanent direct shading impacts to any sensitive plant species.
- Botanical monitors will be present during ground-disturbing construction-related activities to ensure minimal disturbance to sensitive plant occurrences.
- If complete avoidance of impacts to these plant species is not achieved, the effectively damaged or affected habitat area will be mitigated at a 3:1 ratio through habitat enhancement, or as determined appropriate after further consultation with appropriate resource agencies. Capture of propagules or salvage of individuals of these plant species will be included in habitat enhancement.
- An interpretive sign highlighting sensitive plant species at Laguna Point will be installed along the boardwalk after project construction.

MITIGATION MEASURE BIO-5 (HOWELL'S SPINEFLOWER)

- Occurrences of Howell's spineflower within 25 feet of the project area will be located during the blooming period prior to project construction. The perimeter of these occurrences will be marked with flagging and construction monitors and work crews will be instructed to avoid these areas.
- Upon the conclusion of pre-construction monitoring, should impacts to Howell's spineflower be unavoidable due to constraints on the location of the boardwalk, construction in those sites (where the APE overlaps the plant population) will be suspended and the U. S. Fish and Wildlife Service will be consulted to determine appropriate procedures for continuing construction and for mitigating impacts.

MITIGATION MEASURE BIO-5 (WETLANDS)

- Impacts to coastal terrace prairie wetland habitat as a result of shading from new boardwalk will be mitigated by enhancing or revegetating nearby coastal terrace prairie habitat, within MacKerricher State Park, in-kind at a 1:1 ratio (or as required by the Coastal Commission).

MITIGATION MEASURE CULT-1

- Excavation or ground-disturbing work associated with the installation of the concrete piers for construction of new boardwalk would be limited. To level the surface for the pier, the midden soil would only be excavated to no more than two inches below the surface where the soils have already been disturbed or by capping with imported fill material. Any excavation activities deeper than this designated depth would require approval from the DPR-qualified cultural resource specialist assigned to the project.
- Vehicle access and staging areas for the project would be restricted to those areas outside of the archaeological deposits. The DPR archaeologist assigned to the project or park personnel familiar with the sites would designate the restricted areas prior to the start of construction activities.
- Changes in the footprint or construction techniques resulting in impacts outside the survey area would be reviewed and approved in advance by a DPR archaeologist. Additional surveys (a field inventory and pre-construction testing) would be conducted as necessary prior to the start of work.

- Vegetation clearing/removal necessary for construction activities would not be accomplished by pulling within the boundary of the archaeological deposits. Removal would consist of cutting to no more than two inches below ground level in those sensitive areas designated by the DPR archaeologist assigned to the project.

MITIGATION MEASURE CULT-2

- Handrails would be put along the boardwalk by the District where volunteer trails straying off the walkway are adversely impacting the archaeological deposits.
- The District would place jute netting and a layer of mulch over those sensitive areas being impacted by foot traffic straying off the boardwalk.
- These areas would be planted with native plant species to slow down coastal erosion and would discourage foot traffic in undesignated areas.
- Appropriate signage would be developed and installed by the District along strategic locations on the boardwalk. These signs would encourage park visitors to stay on official designated trails. Standard DPR issued signs with such messages as “Fragile Area” and “Area Closed for Plant Restoration” would be appropriate.
- Temporary protective fencing would be installed where the most eastern overlook deck was previously removed. This would discourage foot traffic across culturally sensitive areas and would allow the native vegetation to re-establish in this area.

MITIGATION MEASURE GEO-1 EROSION CONTROL

- Temporary best management practice (BMP) erosion control measures will be used in all areas to control soil and surface water runoff during excavation and grading. The excavation operations will not be planned during the rainy season (October 31 to May 1), but if storms are anticipated during construction, “winterizing” will occur, including the covering (tarping) of any stockpiled soils and the use of temporary erosion control methods to protect disturbed soil. Temporary erosion control measures (BMPs) must be used during all soil disturbing activities and until all disturbed soil has been stabilized (recompacted, revegetated, etc.) These BMPs will include, but not be limited to, the use of silt fences, straw bales, or fiber rolls, to prevent soil loss and siltation into nearby water bodies. (Refer to Appendix E for further details on relevant BMPs.) Implementation of **Mitigation Measure CULT-1**, designed to protect archeological deposits, will also reduce general soil erosion impacts due to the boardwalk reconstruction.
- Permanent BMPs for erosion control will consist of properly compacting and revegetating appropriate disturbed soil areas. Implementation of **Mitigation Measure CULT-2**, designed to protect archaeological deposits, will also protect against continued coastal bluff erosion due to human impacts. For more details on the permanent erosion control methods discussed in CULT-2, refer to the Laguna Point Boardwalk Natural and Cultural Resources Mitigation Plan, attached as an appendix.

MITIGATION MEASURE HAZMAT-1 SPILL PREVENTION

- All equipment will be inspected for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from park premises.
- Appropriate Best Management Practices (BMPs) from the California Stormwater Quality Association Stormwater Best Management Practice Handbook, Construction, Section 4, will be used, including WM-4 (Spill Prevention and Control) and NS-8, NS-9, and NS-10 (Vehicle and Equipment Cleaning, Fueling, and Maintenance). See Appendix E for BMP details.
- A Spill Prevention and Control Plan (SPC Plan) will be prepared prior to the start of construction and a spill kit maintained on-site throughout the duration of the project. This SPC Plan will include a map delineating construction staging or storage areas and areas where refueling, lubrication, and maintenance of equipment may occur. In the event of any spill or release of any chemical in any physical form at the project site or within the boundaries of Fort Ross SHP during construction, workers will immediately notify the appropriate DPR staff (e.g. project manager or supervisor).
- Equipment will be cleaned and repaired (other than emergency repairs) outside the park boundaries. All contaminated water, soil, sludge, spill residue, or other hazardous compounds will be disposed of outside park boundaries, at a lawfully permitted or authorized site.

MITIGATION MEASURE HAZMAT-2 FIRE MANAGEMENT

- Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers will be required for all heavy equipment.
- Construction crews will be required to park vehicles away from flammable material, such as dry grass and brush. At the end of each workday, heavy equipment will be parked over mineral soil, asphalt, or concrete to reduce the chance of fire.

Mitigation Measure Hydro-1 – Water Quality

- Mitigation Measure Geo-1 will be implemented to provide Best Management Practices (BMPs) to control erosion and runoff during the construction phase.
- The project will be in compliance with all applicable water quality standards and waste discharge requirements as specified in the NCRWQCB Basin Plan.
- Implementation of Mitigation Measure Hazmat-1 will mitigate for impacts to water quality from possible pollutants (fuels and other vehicle fluids) released from vehicles and or other equipment during construction.

No significant corrections, additions, and deletions have been made to the Laguna Point Boardwalk Reconstruction Draft MND. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been noted.

This document, along with the Draft Initial Study/Mitigated Negative Declaration (SCH# 2005042039), corrected as noted above; Comments and Response to Comments;

Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Laguna Point Boardwalk Reconstruction Project at MacKerricher State Park.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the California Department of Parks and Recreation (DPR) has independently reviewed and analyzed the Initial Study and Negative Declaration for the proposed project and finds that these documents reflect the independent judgment of DPR. DPR, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the Negative Declaration.

Gail Sevens
Environmental Coordinator
California Department of Parks & Recreation
Northern Service Center

Date

Kathleen Amann, Manager
Service Centers

Date